

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 6, 2006**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of December 6, 2006, was called to order by Mayor Hitchcock at 5:34 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual Litigation: Government Code §54956.9(a). One case. Peter Rose, et al. v. City of Lodi, United States District Court, Eastern District, Case No. 2:05-CV-2232 GEB/PAN and Consolidated Cases.
- b) Actual Litigation: Government Code §54956.9(a). One case. People of the State of California; and the City of Lodi, California v. M & P Investments, et al. United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM.
- c) Actual Litigation: Government Code §54956.9(a). One case. Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al. Superior Court, County of San Francisco, Case No. 323658.
- d) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), regarding Lodi City Mid-Management Association, Maintenance and Operators and General Services Groups, Police Officers Association, and Professional Firefighters pursuant to Government Code §54957.6

C-3 ADJOURN TO CLOSED SESSION

At 5:34 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:47 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:01 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), settlement direction and authority were given.

In regard to Item C-2 (b), the City Council, on a 5 to 0 vote, authorized full and final settlement of \$225,000.

Items C-2 (c) and C-2 (d) were not discussed.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of December 6, 2006, was called to order by Mayor Hitchcock at 7:01 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Pastor Alan Kimber, First United Methodist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Mayor Hitchcock presented the Mayor's Community Service Awards to the following recipients and stated that they would be added to the perpetual plaque hanging in the Carnegie Forum

Members of the Centennial Task Force

Nancy Beckman	Alice Reimche
Ben Burgess	Jo Sandelin
Daphne Felde	Wally Sandelin
Janet Hamilton	Tony Segale
Chuck Higgs	Nancy Shock
Bob Johnson	Jaime Watts
Carol Meehleis	Tracy Williams
Craig Norton	Jennifer Perrin

For work with Katrina victims

Tom Hoffman

D-2 Proclamations – None

D-3 (a) On June 11, 1907, the first meeting of the Lodi Fire Department took place six months after the City of Lodi incorporated. The first volunteer firefighters department consisted of community business men with a need for 40 firefighters and a chief. Over the next four years, the department fought fires without benefit of an organized structure, which led to the decline in volunteer membership from 25 to 8. On November 9, 1911, a renewed effort was made that led to a permanent organization. The first Lodi Fire Department badges were made available in April 1912. Fire Chief Pretz presented Mayor Hitchcock with a Lodi Fire Department Centennial badge for display at the City.

D-3 (b) Library Services Director Martinez reported that the Lodi Public Library will celebrate its 100th anniversary in 2007. On February 18, 1907, citizens of Lodi petitioned the City Board to create a public library for the community. To commemorate this auspicious year, the Lodi Public Library Foundation has created a Centennial library card, which features a sepia-tone photograph of the Carnegie Library in 1910, as a fund raiser. This special edition library card will be available throughout calendar year 2007. The card donation is \$35 for adults and \$25 for seniors over 60 and children under 12.

D-3 (c) Florence Costemagna with Hospice of San Joaquin gave a presentation regarding the 2006 Hospice Tree Lighting in the City of Lodi.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Mounce, Beckman second, unanimously approved the following items hereinafter set forth:

E-1 Claims were approved in the amount of \$3,253,949.43.

E-2 The minutes of August 30, 2006 (Special Meeting), November 14, 2006 (Shirtsleeve Session), November 15, 2006 (Regular Meeting), and November 21, 2006 (Shirtsleeve Session) were approved as written.

E-3 Adopted Resolution No. 2006-214 rejecting all bids for Lodi Avenue at Stockton Street, Elm Street, and Ham Lane Traffic Signal and Striping Modifications.

- E-4 Adopted Resolution No. 2006-215 approving the purchase of two Police canines for the Lodi Police Department K-9 Unit from Orchard Knoll Kennels in the amount of \$10,000 using Asset Seizure funds.
- E-5 Adopted Resolution No. 2006-216 awarding the contract for Water and Wastewater Main Replacement Program, Project No. 3, to J. F. Pacific Liners, Inc., of Vacaville, in the amount of \$825,575.
- E-6 Adopted Resolution No. 2006-217 accepting improvements in Winchester Woods, Tract No. 3564.
- E-7 Approved the Improvement Agreement for Public Improvements for 555 North Guild Avenue and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
- E-8 Adopted Resolution No. 2006-218 approving an extension of the existing contract for maintenance of landscape areas for Groups A, B, and C with Odyssey Landscape Company, Inc. in the amount of \$185,586.
- E-9 Authorized the City Manager to enter into contracts with the following five consultants for plans examining and building inspection services:
- Bureau Veritas, Pleasanton, CA
 - Interwest Consulting Group, Elk Grove, CA
 - NAFFA International, Fresno, CA
 - Precision Inspection Company, Inc., Newman, CA
 - Willdan, Sacramento, CA
- E-10 Adopted Resolution No. 2006-219 authorizing the City Manager to execute a termination of the 2003 swap agreements at the time market conditions are deemed most favorable.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- None

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported on his attendance at the Northern California Power Agency meeting where the bridging agreement with the city of Roseville and the resolution to move forward with the new Lodi project were considered. Mr. Hansen also reported on his attendance at the San Joaquin Council of Governments (SJCOG) meeting where multi-species endangered habitats and an open space plan were discussed. He also stated SJCOG will have a different make-up for the upcoming year in light of the newly appointed members.
- Mayor Hitchcock reported on her attendance at the Lodi Improvement Committee meeting where code enforcement efforts were discussed. She also reported on donations collected regarding the same.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King provided an overview of the current City Council's accomplishments over the course of the last year. General topics of discussion included, but were not limited to, the Centennial celebration, improvement of the City's financial health, arts, parks, the downtown area, and new development projects.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

None.

K. REGULAR CALENDAR

None.

L. ORDINANCES

L-1 Following reading of the title of Ordinance No. 1787 entitled, "An Ordinance of the City Council of the City of Lodi Approving the Request of Tom Doucette, Frontier Community Builders, for Pre-Zoning to PD (Planned Development) of 257.76 Acres (Southwest Gateway Project) and Two Parcels on Harney Lane (565 and 603 East Harney Lane) and Pre-Zoning to R-MD (Medium Density Multifamily Residence) on 47.79 Acres (Other Areas to be Annexed)," having been introduced at a regular meeting of the Lodi City Council held November 15, 2006, the City Council, on motion of Council Member Beckman, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mounce

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Mayor Hitchcock

L-2 Following reading of the title of Ordinance No. 1788 entitled, "An Ordinance of the City Council of the City of Lodi Adopting a Development Agreement Pertaining to the Development of 257.76 Acres Located on the West Side of Lower Sacramento Road between Highway 12-Kettleman Lane and Harney Lane (Southwest Gateway) (Development Agreement GM-05-001)," having been introduced at a regular meeting of the Lodi City Council held November 15, 2006, the City Council, on motion of Council Member Beckman, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mounce

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Mayor Hitchcock

M. REORGANIZATION OF THE CITY COUNCIL

M-1 "Resolution Certifying the Election Results of the November 7, 2006, General Municipal Election"

City Clerk Johl noted that Council received a "blue sheet" of the Registrar of Voter's Certificate of Results of the City of Lodi City Council Municipal Election and Consolidated Ballot Measure Election (Measures G, H, and J) held on November 6, 2007 (filed). She reported the following final official results for Lodi City Council Member:

- Susan Hitchcock – received 9,407 votes
- Larry Hansen – received 8,396 votes
- Phil Katzakian – received 5,575 votes
- John Johnson – received 5,005 votes
- Jean Lea – received 4,194 votes
- Kevin Stevens – received 3,895 votes
- Steve Jarrett – received 3,654 votes
- Roger Khan – received 1,990 votes

Ms. Johl reported that as a result elected to fill the three vacancies on the City Council were: Susan Hitchcock, Larry Hansen, and Phil Katzakian.

Additionally, Ms. Johl reported on the following results for Measures G, H, and J:

- Measure G, the Fire and Facilities Sales Tax Initiative, received 7,109 “yes” votes and 9,103 “no” votes. Consequently, the measure was *not* carried and shall not be deemed adopted and ratified.
- Measure H, the Water Rate Reduction Initiative, received 5,647 “yes” votes and 9,988 “no” votes. Consequently, the measure was *not* carried and shall not be deemed adopted and ratified.
- Measure J, the measure relating to Low-Income Discounts for Water and Sewer Services, received 9,358 “yes” votes and 6,707 “no” votes. Consequently, the measure was *not* carried and shall not be deemed adopted and ratified (required two-third vote).

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Hansen second, unanimously adopted Resolution No. 2006-220 certifying the election results of the November 7, 2006, General Municipal Election.

M-2 “Presentations to Outgoing Council Members and Mayor”

City Manager King presented outgoing Mayor Hitchcock with a plaque in appreciation for her dedicated service to the City and the citizens of this community during her year as Mayor.

Mayor Hitchcock provided closing comments as the Mayor and thanked those who worked on the Centennial celebration, the City Council, City Manager King, City Attorney Schwabauer, City Clerk Johl, and Deputy City Clerk Perrin. In addition, Mayor Hitchcock presented former Deputy City Clerk, Jackie Taylor, with flowers in appreciation for her dedication and efforts during her 13 years with the City Clerk’s Office. Mayor Hitchcock also thanked her husband, Jerry Glenn, for his continued support and the citizens of Lodi.

City Manager King presented outgoing Council Member Beckman with a gift in appreciation for his service to the City and the citizens of this community during his four years as a Lodi City Council Member.

Council Member Beckman provided closing comments as a Council Member stating highlights of his tenure included efforts with the PCE/TCE litigation, hiring a new City Manager, City Attorney, and City Clerk, the five-acre parcel idea, securing water rights, passing the eminent domain ordinance, implementation of the Lodi Budget/Finance Committee, and collaboration with the FBI regarding terrorism issues. He specifically thanked his wife, Nancy Beckman, for her continued support.

M-3 “City Clerk to Administer the Oath of Office to Lodi City Council Members Elect and Present Certificates of Election”

City Clerk Johl called forward Council Members Elect Susan Hitchcock, Larry Hansen, and Phil Katzakian, administered the Oath of Office, and presented each with a Certificate of Election. The newly elected Council Members took their seats at the Council dais.

M-4 “Reorganization of the Lodi City Council: a) Election of Mayor and b) Election of Mayor Pro Tempore”

City Clerk Johl, serving as Chair, conducted the election for the office of Mayor as follows.

NOMINATION(S) FOR MAYOR / VOTE:

Council Member Mounce, seconded by Council Member Hitchcock, nominated Bob Johnson for the office of Mayor.

There being no further nominations for the office of Mayor, the nominations were closed.

Resolution No. 2006-221 nominating Bob Johnson for the position of Mayor carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, Katzakian, and Mounce

Noes: Council Members – None

Absent: Council Members – None

City Clerk Johl turned over the gavel to newly elected Mayor Johnson who then conducted the election for the office of Mayor Pro Tempore.

NOMINATION(S) FOR MAYOR PRO TEMPORE / VOTE:

Council Member Hitchcock, seconded by Mayor Johnson, nominated JoAnne Mounce for the office of Mayor Pro Tempore.

There being no further nominations for the office of Mayor Pro Tempore, the nominations were closed.

Resolution No. 2006-222 nominating JoAnne Mounce for the position of Mayor Pro Tempore carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – None

Absent: Council Members – None

Council Member Comments

Council Member Hansen provided closing comments and specifically thanked the citizens of Lodi and his wife, Linda Hansen, for her continued support.

Council Member Katzakian provided closing comments and specifically thanked the citizens of Lodi and his wife, Chris Katzakian, for her continued support.

Mayor Pro Tempore Mounce provided closing comments and thanked the citizens of Lodi and her parents for their continued support.

Mayor Johnson provided closing comments and thanked the citizens of Lodi and his family for their continued support.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:12 pm

ATTEST:

Randi Johl
City Clerk